

EXHIBIT A

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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

CENTER FOR BIOLOGICAL DIVERSITY,

Plaintiff,

vs.

UNITED STATES BUREAU OF LAND
MANAGEMENT,

Defendant.

Case No.: 2:19-cv-01915-GMN-EJY

**DECLARATION OF BERNARD ROWE
IN SUPPORT OF INTERVENOR'S
OPPOSITION TO PLAINTIFF'S
MOTION FOR PRELIMINARY
INJUNCTION**

I, BERNARD ROWE, declare:

1. I am over 18 years of age and have never been convicted of a crime involving fraud or dishonesty. I have first-hand knowledge of the facts set forth herein, and if called as a witness, could and would testify competently thereto.

2. I am the President of Ioneer USA Corporation ("Ioneer"), and I have held this position since 2017. I was appointed as a Director for Ioneer in 2007.

3. I am a trained and qualified geologist, and I am a member of the Australian Institute of Geoscientists, the Society of Economic Geologists and the Geological Society of Nevada.

1 4. I have over thirty years' experience in mineral exploration and mine development
2 in Australia, Europe, Africa, North America and South America. My experience includes over ten
3 years on a range of exploration projects in Nevada.

4 5. As President for Ioneer, I oversee the management of Ioneer's exploration for
5 minerals and the development of a proposed lithium and boron quarry located on land
6 administered by the United States Bureau of Land Management ("BLM") in Esmeralda County,
7 Nevada, commonly referred to as the Rhyolite Ridge Lithium-Boron Project ("RRLBP").

8 I have been involved in planning, implementation and supervision of Ioneer's exploration
9 activities at RRLBP continuously since June 2016 (when due diligence commenced) to present.
10 As part of my supervision role, I visit the site, on average, once every six weeks during field
11 activities.

12 6. Ioneer obtained ownership of the unpatented mining claims for the RRLBP in June
13 2017.

14 7. Lithium has been designated as a critical mineral by the US Department of Interior.
15 As a result, the RRLBP represents a tremendous opportunity to secure a domestic source of this
16 strategic and valuable commodity to our country for sourcing electrical vehicles, storage for
17 renewable energy, cellular phones and many other products.

18 8. Ioneer is a company focused entirely on the development and production of
19 materials necessary for a more sustainable future to help ensure the protection and preservation of
20 all plant and animal species. Sustainability is at the core of Ioneer's values and mission.

21 9. Ioneer is conducting two separate and targeted Notice-level exploration projects
22 within designated exploration areas to evaluate the lithium and boron minerals including
23 multidisciplinary baseline studies, some of which have required significant field data collection.
24 Exhibit 1 shows the Rhyolite Ridge Exploration Area and Exhibit 2 shows the South Infill
25 Exploration Area. Exhibit 3 shows the disturbance areas in both exploration areas.

26 10. Exploration and development activities have occurred in the area of the RRLBP
27 before Ioneer's involvement with the RRLBP. Small scale mining occurred on the RRLBP lands
28 in the early decades of the 20th Century as evidenced by at least one vertical shaft and three

1 horizontal adits and associated rock dumps. Extensive exploration, including drilling and surface
2 trenching, was conducted during the 1980s and 1990s by other companies. Further extensive
3 exploration including drilling and resampling of earlier excavated trenches was conducted by a
4 subsidiary of American Lithium Minerals Ltd, during 2010-2011. All of these activities were
5 undertaken before Ioneer acquired its interest in its mining claims. The disturbances created by
6 earlier explorers are clearly evident and visible today on the ground or by using satellite imagery
7 and aerial photography.

8 11. All of Ioneer's pre-development exploration activities have been conducted
9 pursuant to BLM regulations and guidelines, Casual Use authorizations, and surface disturbance
10 Notices.

11 12. Ioneer's Notice-level exploration projects, combined with data acquired from
12 earlier activities, have allowed it to define the mineral resources within the area of the RRLBP.

13 13. Ioneer currently has two separate Notice-level exploration areas within the area of
14 the RRLBP, the South Infill Exploration Area and the Rhyolite Ridge Exploration Area. As can
15 be seen on Exhibit 3, the two exploration areas are located approximately 1.5 miles apart. The two
16 areas are geologically separate, meaning the lithium and boron minerals in one area do not extend
17 into the other. They are not continuous. The sedimentary rocks that host the lithium and boron
18 minerals in both areas are separated by older volcanic rocks that do not contain the same lithium
19 and boron minerals. The older volcanic rocks that separate the two areas form a prominent
20 topographic ridge, rising approximately 300 feet above the surrounding area. The access routes to
21 the sites are also different. The timing for the commencement of activities and completion of
22 Ioneer's activities and the performance of reclamation differs at the two exploration areas.
23 Identification of the two sites as different Notice-level exploration areas was a logical, practical
24 and sensible decision.

25 14. Both exploration areas have evidence of lithium-boron mineralization based on
26 surface exploration results. The two exploration areas serve distinct purposes from an exploration
27 perspective. Activities under the South Infill Exploration Area are located where there is
28 significant lithium and boron mineralization, and this project has focused on drilling to define the

1 resource, along with related geotechnical and hydrogeological exploration holes that are necessary
2 to properly evaluate the type, extent, quality, quantity and value of minerals present. Activities at
3 the Rhyolite Ridge Exploration Area have focused on mineral exploration along with related
4 geotechnical and hydrogeological exploration holes. To date, no significant lithium or boron
5 mineralization has been discovered in the drill holes in the Rhyolite Ridge Exploration Area and
6 this area is the likely location for any future processing plant and storage areas. Current
7 exploratory work is critical to establish if there is mineralization present or if the site is a suitable
8 location for a plant and storage, as these factors are necessary for the evaluation of the RRLBP. In
9 exploration, it is common practice to collect a range of datasets from an exploration drill hole,
10 including geological, geochemical, geotechnical and hydrogeological data.

11 15. Before Ioneer will be able to develop and operate a mining operation at the
12 RRLBP, Ioneer must and will complete a thorough process to comply with all state and federal
13 laws, including an environmental review of the RRLBP by the BLM and other state and federal
14 agencies pursuant to the National Environmental Policy Act.

15 16. To Ioneer's knowledge, no Tiehm buckwheat (*Eriogonum tiehmii*) plant has been
16 physically impacted by Ioneer's exploration activities. Ioneer's exploration activities have been
17 undertaken greater than 200 feet from Tiehm buckwheat, with three exceptions. In those three
18 cases, Ioneer's exploration activities were conducted within 50 feet of Tiehm buckwheat. In each
19 case, before Ioneer commenced activities, we identified the nearby Tiehm buckwheat plants and
20 Ioneer put in place appropriate protective measures to ensure the Tiehm buckwheat plants were
21 not disturbed or impacted.

22 17. Ioneer has been aware of the Tiehm's buckwheat population located within the area
23 of the RRLBP since 2016 when Ioneer completed its internal due diligence on the RRLBP, which
24 was before Ioneer commenced exploration activities. Since it commenced its exploration
25 activities, Ioneer has made, and will continue to make, considerable efforts to ensure that all of
26 Ioneer's exploration activities and future development plans avoid impacts to Tiehm's buckwheat
27 and to protect it in compliance with federal laws and regulations.
28

1 18. As part of Ioneer's efforts to apply for and secure mandatory permits to allow the
2 RRLBP to proceed, Ioneer (through its consultants) and in consultation with the BLM, has
3 completed a comprehensive characterization of the extent, makeup, and distribution of Tiehm's
4 buckwheat through multi-seasonal baseline studies. These efforts have included extensive field
5 surveys, aerial drone surveys, soil analyses, seed collection and testing, and statistical analysis of
6 collected data to establish baseline conditions for the demographics and densities of the known
7 Tiehm's buckwheat populations and a method for monitoring trends over time.

8 19. These baseline studies have found sub-populations of Tiehm's buckwheat located at
9 nine sites within the area of the RRLBP. The plants are present across a range of geological strata,
10 including geologic units other than the ore zone.

11 20. In 2018, Ioneer developed a Habitat Study Model to identify potential habitat for
12 Tiehm's buckwheat within a ten-mile radius of the potential RRLBP area utilizing ArcGIS and
13 remote sensing data. Initial statistics indicated that soil units and geologic units were the best
14 predictors of the presence or absence of Tiehm's buckwheat based on known populations and areas
15 that were identified as likely habitat by prior studies of the plant.

16 21. As an outgrowth of the baseline studies and in response to our understanding of the
17 limited known extent of Tiehm's buckwheat, Ioneer retained the services of two botanical experts,
18 Dr. Roger Rosentreter and Ms. Ann DeBolt, to augment Ioneer's biological team, led by senior
19 Nevada-based botanists, Ms. Kristin Kuyper with EM Strategies and Ms. Michelle Tucker of
20 NewFields, to develop protection measures that will ensure the persistence of the plant in natural
21 conditions. These specialists are well-respected within the botanical sciences and all are members
22 of the Eriogonum Society, a professional association whose members have particular expertise in
23 evaluating, propagating, and protecting various types of buckwheat.

24 22. Ioneer is also funding research by the University of Nevada, Reno on pollination,
25 seedling propagation and transplanting, plant/soil relationships, and the impact of dust on plant
26 photosynthetic rates to better understand the biology of the Tiehm's buckwheat and other rare
27 plants in Nevada. This research will inform those charged with mitigating any impacts caused by
28 development of the proposed RRLBP.

23. In consideration of the findings from the preliminary baseline studies of Tiehm's buckwheat, Ioneer has voluntarily elected to alter its proposed mine plan for the RRLBP to avoid the plant populations in the northern portion of the RRLBP area during the first twenty-five years of the RRLBP's development. This change in approach to developing the RRLBP will allow substantial time (over twenty-five years) before the resources located near the majority of current known plant populations will be considered for development. During this time, Ioneer intends to continue to research the plant, implement and refine protection measures, and ensure that these measures are proven before proceeding into the northern portion of the RRLBP area.

24. Ioneer is developing a mitigation plan for Tiehm's buckwheat, incorporating the findings from the baseline field studies completed at the site as well as findings from other endemic buckwheat mitigation efforts within Nevada.

25. As part of this mitigation plan, several activities are already being completed to support its implementation, including: Seed collection and banking; Transplant of seedlings propagated at the Nevada Division of Forestry nursery into unoccupied habitat; Demographic monitoring to document trends in Tiehm's buckwheat populations and to evaluate their stability, and; The Development of a Habitat Study Model that allows Ioneer's specialists to search for new plant populations.

26. The RRLBP will have a tremendous positive economic impact on Esmeralda County, adjacent counties, Nevada, and the entire country. The RRLBP will be a significant economic boon to the region and improve the lives of many of its residents. Development of the mine will lead to the addition of 400 to 500 construction jobs and 300 to 400 high-paying operational jobs, and Ioneer's payment of significant amounts of net proceeds of minerals taxes, real property taxes and sales taxes in an area of Nevada which has lacked significant economic development.

27. To date, Ioneer has spent in excess of \$42 million on its pre-development exploration activities

28. Since November 21, 2019, Ioneer has not conducted any Notice-level exploration activities on its mining claims. Ioneer communicated with its contractors and confirmed that since

1 November 21, 2019, they and their employees have not entered the lands within the Ioneer
2 exploration Notice areas.

3
4 29. If the Plaintiff obtains an injunction in this case, it will cause significant economic
5 harm to Ioneer in the form of providing instability and uncertainty that will 1) make the cost of the
6 RRLBP more expensive; 2) make potential customers unwilling to commit to purchase the boron
7 and lithium minerals that Ioneer will produce; 3) cause the cost of capital needed to finance the
8 RRLBP to increase significantly, if not punitively, and; 4) unnecessarily delay the environmental,
9 social and economic assessment of the RRLBP. The grant of injunctive relief will delay and
10 possibly prevent Ioneer's proposed development of the mine which will have a directly adverse
11 impact on the citizens and economy of Esmeralda County, Nevada.

12
13 Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true
14 and correct.

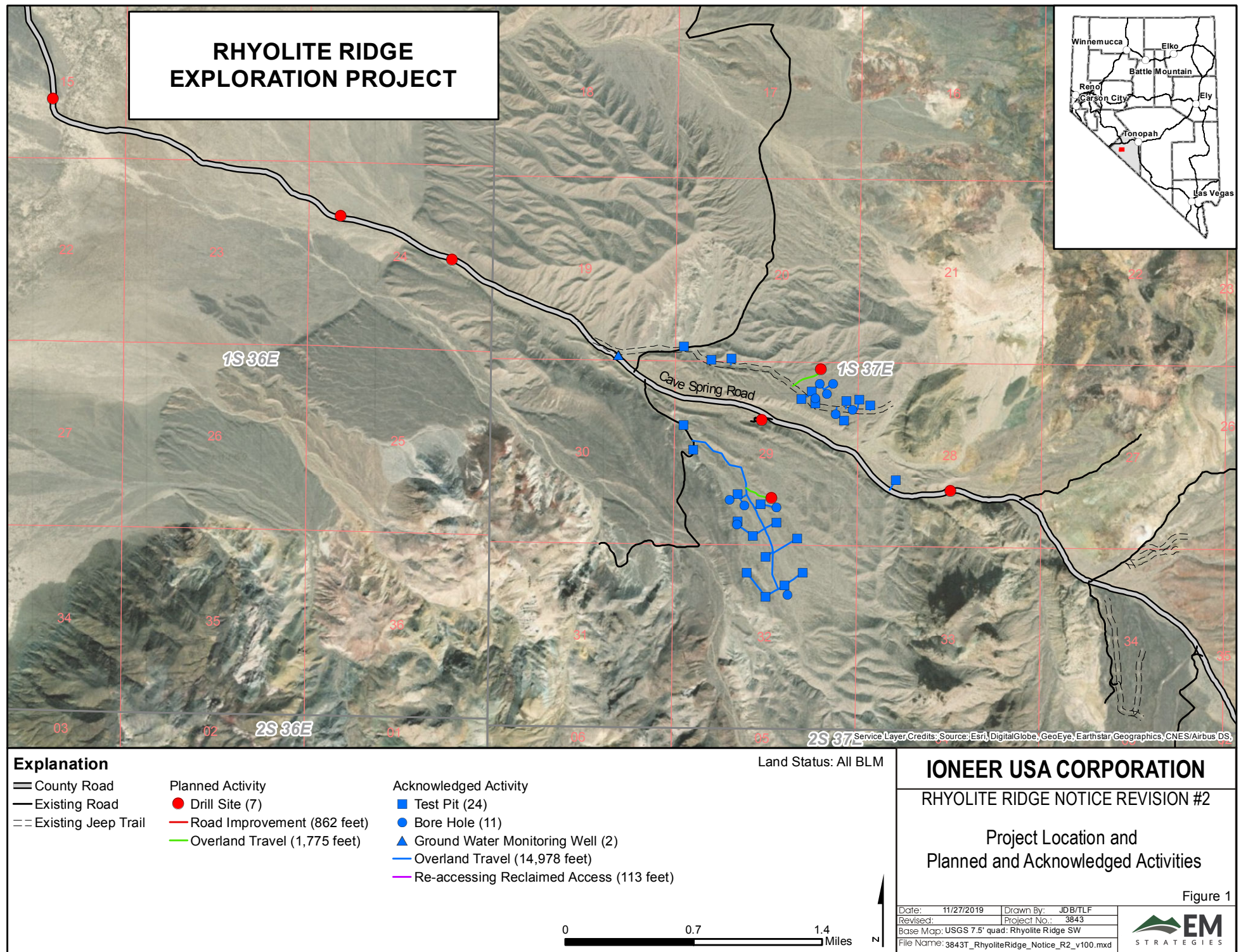
15 Executed on

Dec 6, 2019

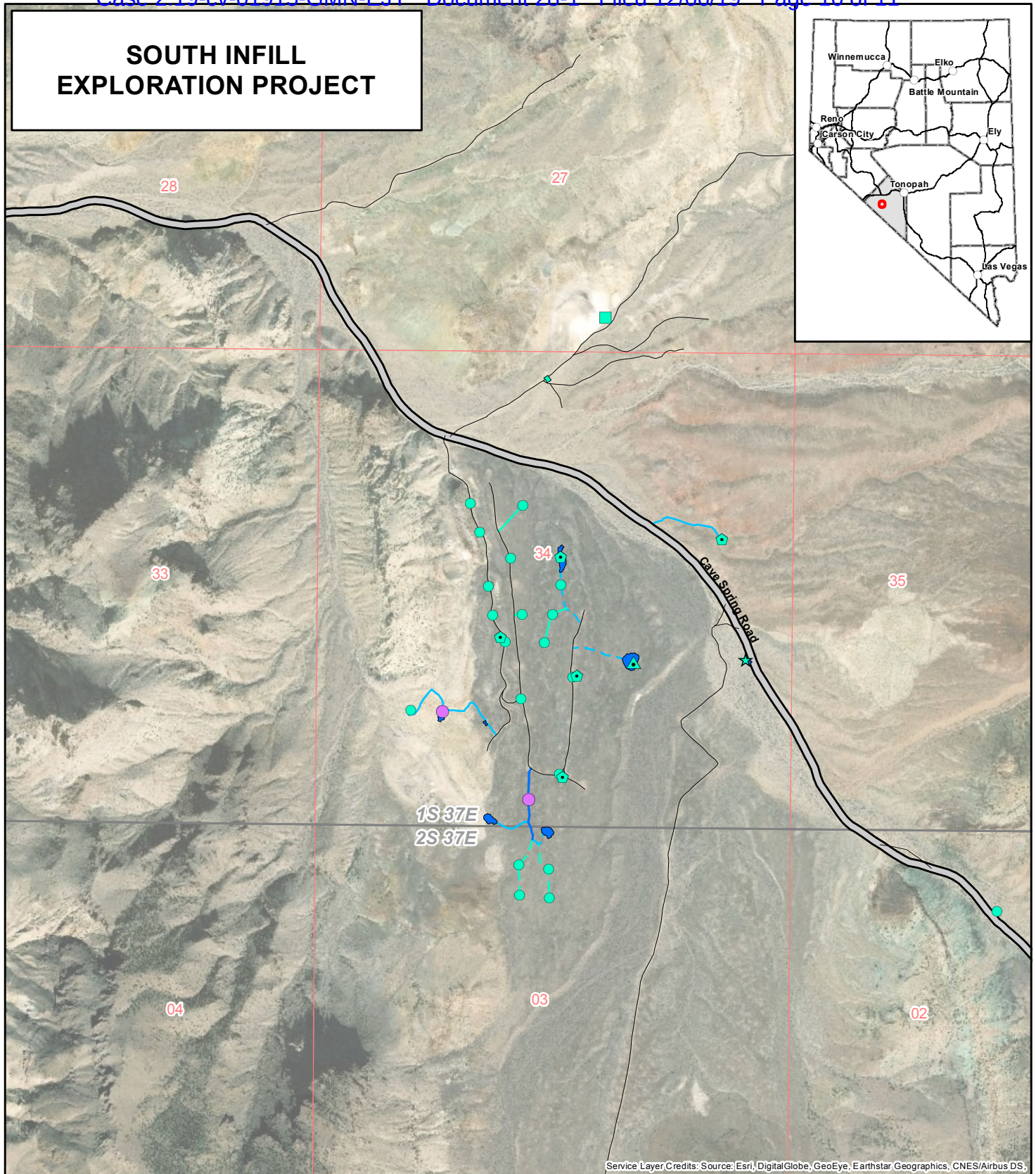
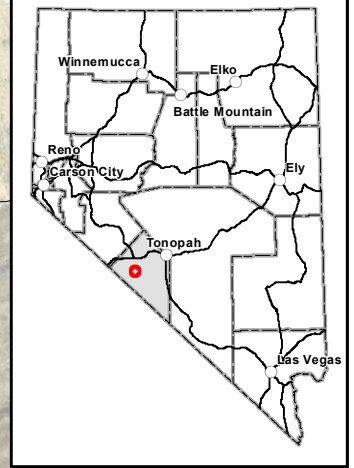

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SOUTH INFILL EXPLORATION PROJECT



Explanation

- County Road
- Existing Road

Planned Activity

- Test Well on Acknowledged Drill Site (2)*

As-Built Disturbance under Notice NVN-095045

- Pad (8) (0.65 acre)
- Constructed Road (852 feet)
- Reclaimed Access Road (2,947 feet)
- Reclaimed for 2-Track Access (1,780 feet)

*One Test Well on an As-build Pad and one on an Acknowledged Drill Site

Land Status: All BLM

Acknowledged Activity

- Bulk Sampling Site (1)
- Drill Site (22)
- ★ Monitoring Well (1)
- ◆ Piezometer (5)
- ▲ Test Well (1)
- Bladder (1) (0.07 acre)

0 0.1 0.2
Miles



IONEER USA CORPORATION

SOUTH INFILL EXPLORATION PROJECT NOTICE - REVISION #4

Project Location, Access, and Acknowledged and Planned Activities

Figure 1

Date:	11/27/2019	Drawn By:	JDB/TLF
Revised:		Project No.:	3843
Base Map: USGS 7.5' quad: Rhyolite Ridge			
File Name: 3843T_SouthInfill_Notice_R41_100.mxd			



